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| EXAMINER |
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NGUYEN, ALLEN H

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| ART UNIT | PAPER NUMBER |
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2625

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04/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/624,305 | Applicant(s) RUHE ET AL. | |
| | Examiner Allen H. Nguyen | Art Unit 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 18-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This office action is responsive to the following communication:
Amendment filed on 01/28/2009.
- Claims 12, 14-17 are currently pending in the application.

Response to Arguments

1. Applicant's arguments filed 01/28/2009 have been fully considered but they are not persuasive.

2. With respect to applicants' arguments that "Olson does not teach a span of flexible material or the span supports as claimed".

In reply: Olson '506 discloses wherein the separator (Separator 26, figs. 3-5) comprises a span of flexible material (separator 26 is made up of a generally rigid body 30 and a resilient pad 32, col. 3, lines 1-11, figs. 3-4) and a plurality of supports supporting the span (i.e., due to the varying frictional forces applied by the separator in different regions; Col. 3, lines 60-63), the supports oriented relative to one another (i.e., the pad, which extends in a region forward of the upstanding portion, opposes intake of the second sheet; Col. 1, line 68 and col. 2, lines 1-2) such that the degree of resistance of the separator to the movement of sheets along the media path varies along the length of the separator from a greater resistance at an upstream part of the separator to a lesser resistance at a downstream part of the separator (i.e., a resilient pad 32 substantially surrounds

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the upstanding portions, extending forwardly therefrom a distance approximately twice the length of the upstanding portions; Col. 3, lines 44-47).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12, 14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al. (US 5,269,506).

Regarding claim 12, Olson '506 discloses a sheet media input structure (Separator 26, figs. 3-5) for a sheet media processing device (Printer 10, fig. 2), comprising:

a sheet media supporting surface (i.e., the top sheet engages the separator in a first surface region 40 and a second surface region 42; Col. 3, lines 63-64 and col. 4, lines 5-10, fig. 2);

a media sheet separator downstream from the supporting surface along a media path that extends from the supporting surface to and along the separator (As paper is pulled into the input port, it is pinched between the separator and roller to effect separation of the sheets, col. 2, lines 62-66), the separator

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configured to separate a top sheet on the stack from a next-to-top sheet in the stack by resisting the movement of sheets along the media path (i.e., separator is configured so as to oppose input of second sheet 24b until after the top sheet 24a is taken completely into the printer; Col. 3, lines 57-60, fig. 2) and

wherein the separator (Separator 26, figs. 3-5) comprises a span of flexible material (separator 26 is made up of a generally rigid body 30 and a resilient pad 32, col. 3, lines 1-11, figs. 3-4) and a plurality of supports supporting the span (i.e., due to the varying frictional forces applied by the separator in different regions; Col. 3, lines 60-63), the supports oriented relative to one another (i.e., the pad, which extends in a region forward of the upstanding portion, opposes intake of the second sheet; Col. 1, line 68 and col. 2, lines 1-2) such that the degree of resistance of the separator to the movement of sheets along the media path varies along the length of the separator from a greater resistance at an upstream part of the separator to a lesser resistance at a downstream part of the separator (i.e., a resilient pad 32 substantially surrounds the upstanding portions, extending forwardly therefrom a distance approximately twice the length of the upstanding portions; Col. 3, lines 44-47).

Regarding claim 14, Olson '506 discloses the structure (Separator 26, figs. 3-5), wherein:

the span of flexible material comprises a pliable sheet (separator 26 is made up of a generally rigid body 30 and a resilient pad 32, col. 3, lines 1-11, figs. 3-4) and the plurality of supports (i.e., due to the varying frictional forces

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applied by the separator in different regions; Col. 3, lines 60-63) comprise first and second supports extending along and supporting the sheet (i.e., the varying frictional forces applied by the separator in different regions; Col. 3, lines 57-60), the supports oriented relative to one another such that a distance between the supports at the downstream part of the separator is greater than a distance between the supports at the upstream part of the separator (i.e., pad 32 substantially surrounds the upstanding portions, extending forwardly therefrom a distance approximately twice the length of the upstanding portions; Col. 3, lines 44-47);

the separator further comprises a protrusion extending along and protruding from the sheet between the supports (i.e., pad, which extends in a region forward of the upstanding portion, opposes intake of the second sheet; see col. 1, lines 65-68 and col. 2, lines 1-2).

Regarding claim 16, Olson '506 discloses the structure, wherein the second part of the span (Body 30, figs. 3-5) is upstream along the media path from the first part of the span (i.e., Body 30 includes a generally horizontal base portion 34 from which extend a plurality of upstanding portions 36; Col. 3, lines 5-10, fig. 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. (US 5,269,506) in view of Oleksa et al. (US 5,895,040).

Regarding claim 17, Olson '506 does not explicitly show the structure, wherein the pad is oriented at an obtuse angle relative to the supporting surface.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Oleksa '040. In particular, Oleksa '040 teaches the structure (figs. 1-11), wherein the pad is oriented at an obtuse angle relative to the supporting surface (i.e., support means at an obtuse angle to said support means; Col. 4, lines 25-30 and col. 7, lines 1-7).

In view of the above, having the system of Olson and then given the well-established teaching of Oleksa, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Olson as taught by Oleksa to include: the structure, wherein the pad is oriented at an obtuse angle relative to the supporting surface, since Oleksa stated in col. 1, lines 50-55 that such a method whether to have an inclined surface of a dam capable of reliably separating heavy media or light media.

Allowable Subject Matter

7. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 15, the prior art of the record Olson et al. (US 5,269,506) fails to show or fairly suggest "The structure of claim, wherein: the plurality of supports comprise a pair of elongated supports supporting the span, the supports oriented relative to one another in a generally V shaped configuration such that a distance between the supports at a first part of the span is greater than a distance between the supports at a second part of the span; and the separator further comprises an elastomeric pad affixed to or integral with the flexible material between the supports".

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto et al. (US 6,748,191) discloses fixing unit having a separator plate for separating a print medium from a roller.

Chang (US 6,536,757) discloses sheet separator in a printer.

Rubscha et al. (US 6,027,111) discloses sheet kickback control system for retard type sheet feeder-separator.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Allen H. Nguyen/
Examiner, Art Unit 2625